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FINAL TEXT OF A TREATY ON AN AFRICAN NUCLEAR-WEAPON-FREE ZONE

Report of the First Committee

Rapporteur: Mr. Peter GOOSEN (South Africa)

I. INTRODUCTION

1. The item entitled "Final text of a treaty on an African nuclear-weapon-free zone" was included in the provisional agenda of the forty-ninth session of the General Assembly in accordance with Assembly resolution 48/86 of 16 December 1993.

2. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 13 October 1994, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 53 to 66, 68 to 72 and 153. The deliberations on those items took place at the 3rd to 10th meetings, from 17 to 24 October (see A/C.1/49/PV.3-10). Structured discussions of specific subjects on the adopted thematic approach took place from 25 to 27 and on 31 October and 1 November. Consideration of draft resolutions on those items took place at the 12th to 16th meetings, on 3, 4, 7 and 9 November (see A/C.1/49/PV.12-16). Action on draft resolutions on these items took place at the 19th to 25th meetings, on 14 to 18 November (see A/C.1/49/PV.19-25).

4. In connection with item 72, the First Committee had before it the following documents:

(a) Report of the Secretary-General on the progress made by the International Atomic Energy Agency in ensuring the full implementation of the safeguards agreement with South Africa (A/49/550);

(b) Note by the Secretary-General transmitting the report of the Group of Experts to Prepare a Draft Treaty on an African Nuclear-Weapon-Free Zone (A/49/436);

(c) Letter dated 25 June 1994 from the Minister for Foreign Affairs of Egypt addressed to the Secretary-General transmitting the texts of the documents adopted by the Eleventh Ministerial Conference of the Movement of Non-Aligned Countries, held at Cairo from 31 May to 3 June 1994 (A/49/287-S/1994/894 and Corr.1).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.1/49/L.2 and Rev.1

5. On 26 October, the Gambia, on behalf of the States Members of the United Nations that are members of the Group of African States, submitted a draft resolution entitled "Establishment of an African nuclear-weapon-free zone" (A/C.1/49/L.2). The draft resolution was introduced by the representative of Benin at the 20th meeting, on 15 November.

6. At the 20th meeting, on 15 November, Benin, on behalf of the same sponsors and Australia, Canada and San Marino, introduced a revised draft resolution (A/C.1/49/L.2/Rev.1), which contained the following change: a new operative paragraph 4 was added, which read:

> "4. Welcomes with satisfaction the announcement by Algeria of its decision to deposit its instruments of accession to the Treaty on the Non-Proliferation of Nuclear Weapons".

7. In connection with the revised draft resolution the Secretary-General submitted programme budget implications (A/C.1/49/L.50).

8. At its 23rd meeting, on 17 November, the Committee adopted draft resolution A/C.1/49/L.2/Rev.1 without a vote (see para. 11, draft resolution I).

B. Draft resolution A/C.1/49/L.39

9. On 4 November, Angola, Argentina, Benin, Brazil, Cameroon, Cape Verde, Colombia, Côte d'Ivoire, Ecuador, the Gambia, Ghana, Guatemala, Guinea-Bissau, Honduras, Mexico, Namibia, Nigeria, Paraguay, Senegal, South Africa, Togo and Uruguay submitted a draft resolution entitled "The South Atlantic region as a nuclear-weapon-free zone" (A/C.1/49/L.39), which was later also sponsored by Chile, the Congo, Guinea, Panama and Venezuela. (The draft resolution was submitted under both agenda items 71 and 72.) The draft resolution was introduced by the representative of Brazil at the 14th meeting, on 7 November.

10. At its 25th meeting, on 18 November, the Committee adopted draft resolution A/C.1/49/L.39 by a recorded vote of 140 to 4, with 3 abstentions (see para. 11, draft resolution II). The voting was as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: France, Monaco, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Andorra, Canada, Italy.

III. RECOMMENDATIONS OF THE FIRST COMMITTEE

11. The First Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Establishment of an African nuclear-weapon-free zone

The General Assembly,

Bearing in mind the Declaration on the Denuclearization of Africa 1/ adopted by the Assembly of Heads of State and Government of the Organization of

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1/ Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 105, document A/5975.

African Unity at its first ordinary session, held at Cairo from 17 to 21 July 1964, in which they solemnly declare their readiness to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or acquire control of atomic weapons,

Recalling its resolutions 1652 (XVI) of 24 November 1961 and 48/86 of 16 December 1993, its earliest and latest on the subject, as well as all its previous resolutions on the implementation of the Declaration on the Denuclearization of Africa,

Desirous of ensuring the implementation of the provisions of paragraphs 60 to 63 of the Final Document of the Tenth Special Session of the General Assembly, 2/

Calling upon all States to consider and respect the continent of Africa and its surrounding areas as a nuclear-weapon-free zone,

Bearing in mind the provisions of resolutions CM/Res.1342 (LIV) 3/ and CM/Res.1395 (LVI) Rev.1 4/ on the implementation of the Declaration on the Denuclearization of Africa adopted by the Council of Ministers of the Organization of African Unity at its fifty-fourth and fifty-sixth ordinary sessions, held at Abuja from 27 May to 1 June 1991 and at Dakar from 22 to 28 June 1992, respectively,

Taking note of resolution CM/Res.1529 (LX) on the implementation of an African nuclear-weapon-free-zone treaty adopted by the Council of Ministers of the Organization of African Unity at its sixtieth ordinary session, held at Tunis from 6 to 11 June 1994, 5/

Recalling resolution GC(XXXVIII)/RES/17 on an African nuclear-weapon-free zone, adopted on 23 September 1994 by the General Conference of the International Atomic Energy Agency, 6/

Welcoming the progress made at the Fourth and Fifth Meetings of the Group of Experts to Draw up a Draft Treaty on the Denuclearization of Africa set up jointly by the Organization of African Unity and the United Nations, held at Windhoek from 16 to 25 March 1994 and at Addis Ababa from 11 to 14 May 1994, respectively,

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2/ Resolution S-10/2.

3/ See A/46/390, annex I.

4/ See A/47/558, annex I.

5/ See A/49/313, annex.

6/ A/49/550, annex II.

1. Takes note of the report of the Fourth and Fifth Meetings of the Group of Experts to Draw up a Draft Treaty on the Denuclearization of Africa; 7/

2. Takes note also of the South African Government's offer of South Africa as the seat of the African commission on nuclear energy once it is established;

3. Reaffirms that the implementation of the Declaration on the Denuclearization of Africa adopted by the Assembly of Heads of State and Government of the Organization of African Unity would be an important measure to prevent the proliferation of nuclear weapons and to promote international peace and security;

4. Welcomes with satisfaction the announcement by Algeria of its decision to deposit its instruments of accession to the Treaty on the Non-Proliferation of Nuclear Weapons; 8/

5. Strongly renews its call upon all States to consider and respect the continent of Africa and its surrounding areas as a nuclear-weapon-free zone;

6. Takes note of the report of the Director General of the International Atomic Energy Agency on the Agency's verification activities in South Africa; 9/

7. Commends the Secretary-General for the diligence with which he has rendered effective assistance to the Organization of African Unity in organizing the meetings of the above-mentioned Group of Experts;

8. Encourages the African States to continue their commendable efforts towards the finalization of the drafting of an African nuclear-weapon-free-zone treaty;

9. Requests the Secretary-General, in consultation with the Organization of African Unity, to take appropriate action to enable the Group of Experts designated by the United Nations in cooperation with the Organization of African Unity to meet jointly with the Intergovernmental Group of Experts of the Organization of African Unity early in 1995 at Pretoria in order to finalize the drafting of a treaty on a nuclear-weapon-free zone in Africa, and to submit the text of the treaty to the General Assembly at its fiftieth session under the item entitled "Final text of a treaty on an African nuclear-weapon-free zone".

7/ A/49/436, annex.

8/ United Nations, Treaty Series, vol. 729, No. 10485.

9/ See A/49/550.

DRAFT RESOLUTION II

The South Atlantic region as a nuclear-weapon-free zone

The General Assembly,

Bearing in mind the Declaration on the Denuclearization of the South Atlantic, adopted on 22 September 1994, at Brasilia, by the Third Meeting of Member States of the Zone of Peace and Cooperation of the South Atlantic,

Determined to continue to contribute to the process of general and complete disarmament, under effective international control, in particular in the field of nuclear weapons and other weapons of mass destruction, with a view to strengthening international peace and security,

Stressing the growing importance of the symbiotic relationship between disarmament and development in current international relations, and recognizing the importance of promoting social and economic development and international cooperation on the peaceful uses of nuclear energy,

Recalling further the principles and norms of international law applicable to maritime space, in particular the use of the high seas for peaceful purposes and the freedom of navigation and overflight,

Cognizant of the support received for the full entry into force of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) 10/ and for the establishment of a nuclear-weapon-free zone in Africa,

1. Welcomes the commitment made by the States of the Zone of Peace and Cooperation of the South Atlantic to prevent the proliferation of nuclear weapons, in accordance with internationally recognized legal instruments;

2. Welcomes also the recent progress towards the full entry into force of the Treaty of Tlatelolco for all States of Latin America and the Caribbean, which will permit the consolidation in the near future of the status of the whole region as a nuclear-weapon-free zone;

3. Welcomes further the efforts made towards the implementation of the Declaration on the Denuclearization of Africa 11/ leading to the conclusion of a treaty establishing a nuclear-weapon-free zone in Africa;

4. Solemnly endorses the objective of the States of the Zone of Peace and Cooperation of the South Atlantic to turn the region of the South Atlantic into a nuclear-weapon-free zone;

10/ United Nations, Treaty Series, vol. 634, No. 9068.

11/ Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 105, document A/5975.

5. Calls upon all States to cooperate fully for the achievement of the objective of turning the region of the South Atlantic into a nuclear-weapon-free zone.